

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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VIENGKHAM CHANTHANOUSONE,  
Plaintiff,

05-CV-0778E(Sc)

-vs-

COMMISSIONER OF SOCIAL SECURITY,  
Defendant.<sup>1</sup>

ORDER

The Honorable Hugh B. Scott, a Magistrate Judge in this judicial district, having conducted all proceedings necessary to determine the merits of factual and legal issues presented in this matter pursuant to this Court's referral under 28 U.S.C. §636(b)(1)(B), and having on January 18, 2007 filed his Report and Recommendation concerning such and no objection thereto having been made, it is hereby

**ORDERED** that said Report and Recommendation is fully confirmed, that the plaintiff's motion for judgment on the pleadings is granted, that the defendant's motion for judgment on the pleadings is denied and that the Commissioner's decision is reversed and this matter is remanded to the Commissioner for further administrative proceedings.

.DATED: Buffalo, N.Y.  
May 10, 2007

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/s/ **John T. Elvin**

JOHN T. ELFVIN  
S.U.S.D.J.

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<sup>1</sup>For convenience, defendant will be identified by official title only. See FRCvP 25(d); 42 USC §405(g) (action survives despite change in office of Commissioner).